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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/001,517   | 10/25/2001  | Kevin Tabor          | OIC-PT010           | 3249             |
| 3624   | 7590        | 10/21/2003           | EXAMINER            |                  |
| VOLPE AND KOENIG, P.C.<br>UNITED PLAZA, SUITE 1600<br>30 SOUTH 17TH STREET<br>PHILADELPHIA, PA 19103 |             |                      | HOFFMANN, JOHN M    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 1731                |                  |

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/001,517 | <b>Applicant(s)</b><br>TABOR, KEVIN |  |
|                              | <b>Examiner</b><br>John Hoffmann     | <b>Art Unit</b><br>1731             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election with traverse of Group I in Paper dated 9/4/03 is acknowledged. The traversal is on the ground(s) that examining all of the claims is not a burden on the examiner. This is not found persuasive because there was no evidence or rationale given to support the assertion.

The requirement is still deemed proper and is therefore made FINAL.

Claims 9-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 5, 3<sup>rd</sup> line from the bottom refers to 17 in figure 7 - there are no "17"s in figure 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims refer to "optic fiber run(s)". This term is indefinite to its meaning. First, examiner could find no definition in the specification. Second, Examiner performed an EAST search on the term. There were no hits. It does not appear to be an art recognized term. Applicant is permitted to be their own lexicographer, but such requires defining what these new terms are. Likewise "optical fiber run(s)" was searched, but the hits were only in the verbal form (e.g. the optical fiber runs from the top to the bottom).

Finally, Examiner tried to figure out from the entire application what is meant by this term. The claim already refers to "optical fiber paths" and "optical fibers". Thus these runs are deemed not to be the paths nor the fibers themselves. The specification indicates that "17" are the optic fiber runs - but each 17 seems to be a fiber in the drawings. Also, page 5, 3<sup>rd</sup> line from the bottom states there are plural runs in figure 7, however figure 7 does not have any fibers - thus runs are not fibers. It appears that "optic fiber run" is of a scope that it may or may not contain a fiber.

Claim 1, line 5 refers to "the at least one optic fiber n figure runs having into". Examiner simply cannot understand this. Line 7 refers to "the input group" there is no

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antecedent basis for a single input group - only for 'at least two input groups'. Line 8 there is not antecedent basis for "the m fibers"; "m" refers to the runs. The last two lines: there is no antecedent basis for "the fiber runs in the input groups" or for "the fiber runs in the output groups"; most notably the fibers are in the output groups, not the runs.

Claim 4 - it is unclear if the ribbonizing is limited to one (or both) of the ribbonizing of claim 1, or if it can also read on any additional ribbonizing.

Claim 6 refers to "computer controlled" but it does not indicate what is computer controlled. There is no antecedent for "the computer opric fiber dispensing head...."

Claim 7, there is confusing antecedent basis for the various "groups".

Claim 8: it is unclear if the conjunction signified by the comma of line 2 is "or", "and" or even something else.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin 5204927.

Chin discloses the invention substantially as claimed. However, it does not appear that Chin has the multitude of all of the runs, paths, groups, etc. It would have

been obvious to repeat the Chin process multiple times on the same fixture and/or simultaneously on an identical fixture - so as to make as many couplers as desired.

Figure 6 of Chin shows feature 20 which has about 6 optic fiber paths. 52 is the at least one fiber. Using the process many times would require the use of multiples fibers 52. Looking to figure 12 - this is deemed to be a predetermined "map". Whether a group is input or an output group is a matter of use. One can input light into either end of the coupler 102. Saying that the Chin process is repeated eight times, there would be eight couplers, (A,B,C,D,E,F,G and H). The output groups comprise the 4 output groups (at/near 20) for A,B,C and D and 4 groups (at/near 100) for E,F,G and H. The input groups comprise the 4 output groups (at/near 100) for A,B,C and D and 4 groups (at/near 20) for E,F,G and H.

Given that applicant has failed to define what is meant by "fiber optic run" it is deemed that the broadest reasonable interpretation is "any arbitrary or defined length of an optical fiber". Thus the Chin couplers can hand any desired number of "runs" by arbitrarily designating any portion of the. One can say that "n" is 20. It is clear that one of the fibers from one output group is in another output group.

The "at least one optic fiber" (i.e. the eight optic fiber) is clearly arranged into at least two output groups (actually eight output groups). It is clear that there is at least one of the m fibers which is in a different output group than that of another fiber.

Claims 2-3: figures 12 and 15 show the arrays.

Claim 4: It would have been obvious to align everything into a box for shipping, and then make some more - including ribbonizing the additionally made couplers.

Claim 4 does not limit which ribbonizing it is referred to - and thus it is open to any aligning.

Claim 5 is clearly met.

Claim 6: it would have been obvious to use automatic device to perform the Chin method, because it would be cheaper than paying someone to do it. Any system is moveable (e.g. with a truck or crane). It would have been further obvious to use a computer, because they are readily available control machines.

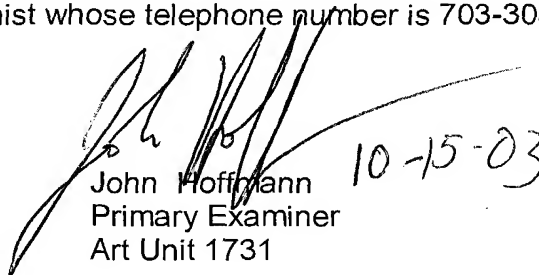
As best understood, claim 7 is met.

Claim 8 is clearly met.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is 703-308-0469. The examiner can normally be reached on Monday through Friday, 7:00- 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin can be reached on 703-308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
John Hoffmann  
Primary Examiner  
Art Unit 1731

10-15-03

jmh